

AMENDED IN SENATE APRIL 19, 2004

**SENATE BILL**

**No. 1705**

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**Introduced by Senator Denham**

February 20, 2004

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An act to amend Section 21151 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1705, as amended, Denham. Environmental quality: local agencies.

Existing law, the California Environmental Quality Act (CEQA) requires all local agencies to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project, as defined, that they intend to carry out or approve that may have a significant effect on the environment. CEQA provides that, if a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to the act, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.

This bill would ~~make a technical, nonsubstantive change in those provisions~~ *authorize only the appeal of the certification of an environmental impact report by a local agency's decisionmaking body, to the agency's decisionmaking body, if any, if the local lead agency's decisionmaking body is not elected.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 21151 of the Public Resources Code is amended to read:

21151. (a) All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on any project that they intend to carry out or approve which may have a significant effect on the environment. When a report is required by Section 65402 of the Government Code, the environmental impact report may be submitted as a part of that report.

(b) For purposes of this section, any significant effect on the environment shall be limited to substantial, or potentially substantial, adverse changes in physical conditions which exist within the area as defined in Section 21060.5.

~~(c) If a nonelected decisionmaking body, of a local lead agency, certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any.~~

(c) *When an environmental impact report is certified by a local lead agency's decisionmaking body, which is not elected, that certification may be appealed to the agency's elected decisionmaking body, if any.*